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14 **UNITED STATES BANKRUPTCY COURT**

15 **DISTRICT OF NEVADA**

16 In re:

17 Case No.: 20-51140-btb
18 Chapter 7

19 JOGA S. MANN,

20 Debtor.

21 SMS FINANCIAL RECOVERY
22 SERVICES, LLC'S SECOND MOTION
23 FOR ORDER EXTENDING TIME TO
24 OBJECT TO THE ENTRY OF
25 DISCHARGE

26 HRG DATE: January 18, 2022
27 HRG TIME: 2:00 p.m.

28 Creditor SMS FINANCIAL RECOVERY SERVICES, LLC ("SMS"), by and through
its counsel of record LEACH KERN GRUCHOW ANDERSON SONG ("LKG"), hereby
respectfully submits its Second Motion for Order Extending Time to Object to the Entry of
Discharge ("Second Motion"), and seeks an extension of time in which to file an objection to
entry of a discharge in the above-captioned case.

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I.

MEMORANDUM OF POINTS AND AUTHORITIES

A. Relevant Background Facts:

1. Debtor, JOGA S. MANN (“Debtor”) initiated this case by filing a voluntary petition (“Petition”) under Chapter 7 on December 18, 2020 (*see* Petition at DE 1).

2. Pursuant to 11 U.S.C. § 341 and the Federal Rules of Bankruptcy Procedure (“FRBP”) 2003(a), the initial 341 Meeting of Creditors (“MOC”) took place on January 21, 2021, during which Debtor appeared with counsel Nathan Zeltzer, Esq. who was attending for Debtor’s counsel Sean Patterson, Esq. The MOC has been continued multiple times thereafter. The next scheduled, continued MOC is set to take place on January 13, 2022, at 2:00 p.m.

3. SMS requests an extension in this case to allow for an adequate investigation into the numerous and various business entities associated with Debtor. Debtor testified at the February 25, 2021 MOC that he does not keep books and records of his business entities. As such, a thorough investigation of Debtor's bankruptcy estate will be more difficult and time consuming.

4. SMS is requesting this extension of time to object to Debtor's discharge in order to have sufficient time to investigate the various business entities associated with Debtor and his bankruptcy estate, including the next scheduled MOC on January 13, 2022, and the Trustee's continued review of numerous documents and financial records received from the court appointed receiver Christopher Fitzwater in a post-judgment action in McClellan County Texas (Case No. 2017-608-40)

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B. Extension for Deadline to Object to the Discharge of Debtor.

SMS is informed and believes that the last day for filing objections to Debtor's discharge, under 11 U.S.C § 727 and FRBP 4004 is December 31, 2021. (See Order Extending Time for SMS Financial Recovery Services, LLC to Object to Discharge of Debtor at DE 27). Rule 4004(b)(1) provides that an extension of time to object to discharge in a Chapter 7 case may be granted "...[o]n motion of any party in interest, after notice and hearing...for cause...", and that such "...motion shall be filed before the time has expired."

Here, SMS makes its timely Second Motion. SMS alleges that good cause exists for an extension to object to Debtor's discharge so that there is sufficient time to continue the investigation into the various business entities associated with Debtor since he has testified at the MOC he keeps no records. Given these circumstances, and in accord with the applicable Code and bankruptcy rules, SMS seeks a second order from the Court extending the deadline for SMS to object to the discharge of Debtor up to and including April 30, 2022.

WHEREFORE, SMS respectfully requests the Court grant SMS's Second Motion for an extension of the deadline to object to the discharge of Debtor up to and including April 30, 2022.

DATED this 17th day of December, 2021.

LEACH KERN GRUCHOW ANDERSON SONG

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EXHIBIT “A”

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14 **UNITED STATES BANKRUPTCY COURT**
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16 **DISTRICT OF NEVADA**

In re: JOGA S. MANN, Debtor.	Case No.: 20-51140-btb Chapter 7 SECOND ORDER EXTENDING TIME FOR SMS FINANCIAL RECOVERY SERVICES, LLC TO OBJECT TO THE ENTRY OF DISCHARGE HRG DATE: January 18, 2022 HRG TIME: 2:00 p.m.
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24 Pursuant to SMS (“SMS”) FINANCIAL RECOVERY SERVICES, LLC’S SECOND
25 MOTION FOR ORDER EXTENDING TIME TO OBJECT TO THE ENTRY OF DISCHARGE
26 (the “Second Motion”) filed on December 17, 2021 the Court finds and concludes as follows:
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The Court finds that SMS' Second Motion was timely and properly noticed, and that there were no objections to the Second Motion filed or presented at the hearing. SMS, along with the Chapter 7 Trustee (*see* Trustee's Second Motion for Order Extending Time to Object to Entry of Debtor's Discharge, at DE 37 filed December 8, 2021), are requesting this extension of time to object to the discharge of Debtor's bankruptcy so that Debtor's various business entities can be thoroughly and adequately investigated.

The Court has considered SMS's Second Motion as well as its reasons for the requested extension. In consideration thereof, the Court has found such reasons to be appropriate and that good cause exists for the requested extension.

IT IS HEREBY ORDERED that SMS's Second Motion is **GRANTED**, and SMS shall have an extension of time to object to the discharge of Debtor's bankruptcy up to and including **April 30, 2022**.

Submitted By:

*LEACH KERN GRUCHOW
ANDERSON SONG*

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RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies as follows:

- The Court has waived the requirement set forth in LR 9021(b)(1).
- No party appeared at the hearing or filed an objection to the motion.
- I have delivered a copy of this proposed order to all attorneys who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:
- I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

DATED this 18th day of January 2022.

**LEACH KERN GRUCHOW
ANDERSON SONG**

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